

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

James W. Tinker,

Plaintiff,

Case No. 08-11675

v.

Hon. Nancy G. Edmunds

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter has come before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including Defendant's Objections if any, the Court finds that the Magistrate Judge reached the correct conclusion in the Report and Recommendation. Accordingly, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is further ordered that Plaintiff's motion for summary judgment is GRANTED, Defendant's motion for summary judgment is DENIED, and the decision of the Secretary is REVERSED. Pursuant to sentence four of 42 U.S.C. § 405(g), this matter is hereby REMANDED to the Secretary of Health and Human Services for a determination of SSI benefits due.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 22, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 22, 2009, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager